

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JASON L. PERRY,

Plaintiff,

v.

CASE NO. 12-3100-SAC

FEDERAL BUREAU OF PRISONS,
et al.,

Defendants.

MEMORANDUM AND ORDER

By its order of July 11, 2012, the court directed plaintiff to submit copies of his institutional financial records and to advise the court whether he had pursued an administrative tort claim and whether he intended to pursue relief in this matter pursuant to *Bivens*.¹ Plaintiff was advised that a response was due on or before August 3, 2012, and that the failure to file a timely response might result in the dismissal of this matter without additional prior notice. There has been no response.

A court has the inherent power to dismiss an action for failure to prosecute in order to ensure the orderly and expeditious resolution of the cases on its docket. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-31 (1962). Rule 41(b) of the Federal Rules of Civil Procedure provides, in part, "If the plaintiff ... fails to comply with [court] rules or a court order, a defendant may move to dismiss the action or any claim against it." The Tenth Circuit Court of Appeals has

¹ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1980).

interpreted this rule "to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). Having considered the record, the court finds this matter may be dismissed due to plaintiff's failure to respond to the court's order of July 11, 2012.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

IT IS FURTHER ORDERED plaintiff's motion for leave to proceed in forma pauperis (Doc. 3) is denied.

A copy of this order shall be transmitted to the plaintiff.

IT IS SO ORDERED.

DATED: This 7th day of August, 2012, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge